

Introduced by Senators Burton and Alpert
(Coauthors: Assembly Members Kehoe and Pavley)

February 17, 2004

An act to add Division 26.5 (commencing with Section 35500) to the Public Resources Code, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1319, as introduced, Burton. Natural resources: ocean protection.

Existing law generally regulates activities relating to coastal and ocean resources.

This bill would create the California Ocean Protection Act, which would include various legislative findings and declarations related to coastal and ocean resources. The bill would define terms.

The bill would establish the Ocean Protection Council in state government, consisting of the Secretary of the Resources Agency, the Secretary for Environmental Protection, and the Chair of the State Lands Commission. The bill would require 3 members of the Senate, appointed by the Senate Committee on Rules, and 3 members of the Assembly, appointed by the Speaker of the Assembly, to meet with the council and participate in its activities to the extent that participation is not incompatible with their positions as Members of the Legislature.

The bill would require the council to coordinate activities of state agencies, that are related to the protection of coastal waters and ocean ecosystems, to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations, and to identify and recommend to the Legislature and the Governor changes in law and policy needed to meet this goal, as specified. The bill would require the council to be consistent with the expressed legislative findings and

declarations. The bill would require the council to undertake other activities related to marine managed areas, as specified.

The bill would establish the California Ocean Protection Trust Fund and authorize moneys deposited in the fund, upon appropriation by the Legislature, to be expended for activities related to coastal and ocean resources, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Division 26.5 (commencing with Section
2 35500) is added to the Public Resources Code, to read:

3
4 DIVISION 26.5. CALIFORNIA OCEAN PROTECTION
5 ACT

6
7
8 CHAPTER 1. GENERAL PROVISIONS

9
10 35500. This division shall be known, and may be cited, as the
11 California Ocean Protection Act.

12 35505. The Legislature finds and declares all of the
13 following:

14 (a) California’s coastal and ocean resources are critical to the
15 state’s environmental and economic security, and integral to the
16 state’s high quality of life and culture. A healthy ocean is part of
17 the state’s legacy, and is necessary to support the state’s human and
18 wildlife populations. Each generation of Californians has an
19 obligation to be good stewards of the ocean, to pass the legacy on
20 to their children.

21 (b) Ocean resources contribute more than seventeen billion
22 three hundred million dollars (\$17,300,000,000) to the state’s
23 economy, generating 370,000 jobs, according to a 1997 Resources
24 Agency study, of which nine billion nine hundred million dollars
25 (\$9,900,000,000) is generated from coastal tourism spending.
26 Californians benefit from the economic, heritage, existence, and
27 other intrinsic values of the ocean, including but not limited to,
28 wildlife watching, recreational and commercial fishing,



1 biodiversity, and other aesthetic, recreational, environmental, and
2 economic values.

3 (c) The ocean is a public trust. Every public agency and every
4 Californian has a responsibility to protect the state’s coastal and
5 ocean resources. Californians have entrusted state government
6 with the responsible stewardship of that public trust resource.

7 (d) The decline in our ocean’s health is well documented.
8 Reports such as the 1997 Resources Agency report, “California’s
9 Ocean Resources: An Agenda for the Future,” and the 2003 Pew
10 Oceans Commission report, “America’s Living Oceans: Charting
11 a Course for Sea Change,” document degraded ocean values, due
12 to coastal and ocean development, onshore and offshore pollution,
13 certain fishing and aquaculture practices, and invasive species,
14 among other things.

15 (e) The preservation of the state’s ocean resources depends on
16 healthy, productive, and resilient ocean ecosystems. To ensure the
17 protection of the public trust, the governance of ocean resources
18 should be guided by principles of sustainability, ecosystem health,
19 precaution, recognition of the interconnectedness between land
20 and ocean, decisions informed by good science and improved
21 understanding of coastal and ocean ecosystems, and public
22 participation in decisionmaking.

23 (f) Good governance and stewardship of ocean resources
24 necessitate more efficient and effective use of public funds.

25 (g) Many different state and local agencies are responsible for
26 governing or protecting different aspects or values of the state’s
27 coastal and ocean resources. There is a critical need for these
28 public agencies to work together in a more coordinated manner to
29 ensure effective, comprehensive, and consistent protection of the
30 ocean within the state’s jurisdiction.

31 (h) The state needs to coordinate governance and stewardship
32 of the state’s oceans, to identify priorities, bridge existing gaps,
33 and ensure effective and scientifically sound approaches to
34 protecting the most important ocean resources.

35 35510. The Legislature finds and declares all of the
36 following:

37 (a) The coastal waters offshore of the state and the ocean
38 ecosystems associated with those waters are natural resources that
39 the state holds in trust for the people of the state.



1 (b) It is the state’s policy that all public agencies shall
2 administer the laws associated with protection of coastal waters in
3 accordance with the following principles:

4 (1) All state decisions affecting coastal waters and the ocean
5 environment shall be designed and implemented to conserve the
6 health and diversity of ocean life and ecosystems, allow and
7 encourage only those activities and uses that are sustainable, and
8 recognize the importance of nonconsumptive aesthetic,
9 educational, and recreational uses.

10 (2) The ocean ecosystem is inextricably linked to activities on
11 land and all public agencies should consider the impact of
12 activities on land that may adversely affect the health of the coastal
13 and ocean environment.

14 (3) It is the state’s policy to incorporate ecosystem perspectives
15 into the management of coastal and ocean resources, using sound
16 science, with a priority of protecting and restoring coastal and
17 ocean ecosystems, rather than managing on a single species or
18 single resource basis.

19 (4) A goal of all state actions shall be to improve monitoring
20 and data gathering, and advance scientific understanding, to
21 continually improve efforts to protect, restore, and manage coastal
22 waters and ocean ecosystems.

23 (5) State and local actions that affect ocean waters or coastal or
24 ocean resources should be conducted in a manner consistent with
25 protection and maintenance of healthy coastal and ocean
26 ecosystems and restoration of degraded ocean ecosystems. State
27 and local agencies should refrain from actions that would cause
28 harm to ocean and coastal ecosystems or impair the restoration of
29 coastal and ocean ecosystems.

30 35515. The Legislature finds and declares that the purpose of
31 this division is to reorganize and reorient the state’s laws and
32 institutions responsible for protecting ocean resources, including
33 coastal waters and ocean ecosystems, to accomplish all of the
34 following objectives:

35 (a) Provide a set of guiding principles for all state agencies to
36 follow in protecting the state’s coastal and ocean resources.

37 (b) Strengthen and streamline state regulatory laws related to
38 coastal and ocean ecosystem health, and encourage cooperative
39 management with federal agencies, to protect representative



1 coastal and ocean habitats and the ecological processes that
2 support those habitats.

3 (c) Improve coordination and management of state efforts to
4 protect ocean ecosystems without adding to bureaucracy or
5 imposing new costs by establishing a cabinet level oversight body
6 responsible for identifying more efficient methods of protecting
7 the ocean at less cost to taxpayers.

8 (d) Use California’s private and charitable resources more
9 effectively in developing ocean protection strategies.

10 (e) Redirect some existing state bond funds to address the most
11 critical needs in coastal and ocean resources protection.

12
13 CHAPTER 2. DEFINITIONS

14
15 35550. Unless the context requires otherwise, the following
16 definitions govern this division:

17 (a) “Council” means the Ocean Protection Council established
18 pursuant to Section 35600.

19 (b) “Fund” means the California Ocean Protection Trust Fund
20 established pursuant to Section 35650.

21 (c) “Marine managed area” means an area designated pursuant
22 to this act or the Marine Managed Areas Improvement Act
23 (Chapter 7 (commencing with Section 36600) of Division 27).

24 (d) “Public agency” means a city, county, city and county,
25 district, or the state or any agency or department of the state.

26 (e) “Sustainable” and ”sustainability” mean both of the
27 following:

28 (1) Continuous replacement of resources, taking into account
29 fluctuations in abundance and environmental variability.

30 (2) Securing the fullest possible range of present and long-term
31 economic, social, and ecological benefits, while maintaining
32 biological diversity.

33
34 CHAPTER 3. OCEAN PROTECTION COUNCIL

35
36 35600. The Ocean Protection Council is established in state
37 government. The council consists of the Secretary of the
38 Resources Agency, the Secretary for Environmental Protection,
39 and the Chair of the State Lands Commission.



1 35605. The members of the council shall elect the chair of the
2 council.

3 35610. Three members of the Senate, appointed by the Senate
4 Committee on Rules, and three members of the Assembly,
5 appointed by the Speaker of the Assembly, shall meet with the
6 council and participate in its activities to the extent that
7 participation is not incompatible with their respective positions as
8 Members of the Legislature.

9 35615. The council shall do all of the following:

10 (a) (1) Coordinate activities of state agencies, that are related
11 to the protection of coastal waters and ocean ecosystems, to
12 improve the effectiveness of state efforts to protect ocean
13 resources within existing fiscal limitations.

14 (2) Identify and recommend to the Legislature changes in law
15 needed to achieve this goal.

16 (b) (1) Identify changes in federal law and policy necessary to
17 achieve the goals of this division and to improve protection and
18 restoration of the ocean ecosystem in federal and state waters off
19 the state's coast.

20 (2) Recommend to the Governor and the Legislature actions
21 the state should take to encourage those changes in federal law and
22 policy.

23 (c) Be consistent with Sections 35500, 35510, and 35515.

24 35620. (a) The council shall oversee the State Interagency
25 Coordinating Committee established pursuant to Section 36800
26 and the scientific review panel established pursuant to Section
27 36900.

28 (b) The council may accept proposals to designate a ocean
29 managed area, as defined in subdivision (d) of Section 36602, and
30 act on the proposals using the procedures established for the State
31 Interagency Coordinating Committee.

32 35625. As a pilot project to improve protection of the state's
33 ocean resources at less cost to taxpayers, the council shall solicit
34 one or more proposals for the designation of a marine managed
35 area. To be eligible for submission to the council under the pilot
36 project, a proposal shall be developed using nonstate funds and
37 with the participation of interested parties. A proposal shall
38 identify restrictions on polluting and ocean development activities
39 necessary to protect the resources of the proposed marine managed
40 area. The council shall give preference to proposals with the



1 primary goal of ensuring the sustainability of ocean resources and
2 ecosystems within large areas. The council shall review proposals
3 submitted to it under the pilot program, and may adopt a proposed
4 designation of a marine managed area, in whole or in part, or may
5 refer the proposal to an entity that designates marine managed
6 areas pursuant to Division 27 (commencing with Section 36000).
7 The council shall review proposals for consistency with the master
8 plan adopted pursuant to Chapter 10.5 (commencing with Section
9 2850) of Division 3 of the Fish and Game Code.

10

11 CHAPTER 4. CALIFORNIA OCEAN PROTECTION TRUST FUND

12

13 35650. (a) The California Ocean Protection Trust Fund is
14 established in the State Treasury.

15 (b) Moneys deposited in the fund may be expended, upon
16 appropriation by the Legislature, for both of the following:

17 (1) Projects and activities authorized by the council consistent
18 with Chapter 3.

19 (2) Upon authorization by the council, for grants or loans for,
20 or direct expenditures on, projects or activities that do one or more
21 of the following:

22 (A) Eliminate or reduce threats to coastal and ocean
23 ecosystems, habitats, and species.

24 (B) Create incentives for sustainable fisheries, including
25 revolving loan programs, fishing capacity reduction, and
26 socioeconomic transition projects.

27 (C) Improve coastal water quality.

28 (D) Allow for increased public access to, and enjoyment of,
29 ocean and coastal resources, consistent with sustainable,
30 long-term protection of those resources.

31 (E) Improve management and protection of coastal waters and
32 ocean ecosystems.

33 (G) Provide monitoring and scientific data to improve state
34 efforts to protect ocean resources.

35 (H) Protect and restore coastal waters and ocean ecosystems,
36 including any of the following:

37 (i) Acquisition, installation, and initiation of monitoring and
38 enforcement systems.

39 (ii) Acquisition of rights in coastal and submerged lands,
40 vessels, equipment, licenses, harvest rights, permits, and other



- 1 rights and property, to reduce threats to ocean ecosystems and
- 2 resources.
- 3 (iii) Mitigation costs related to the protection of coastal and
- 4 ocean resources.

O

